IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:)
)
WANG et al.)
)
Serial No.: 10/026,043)   Art Unit: TBD
)
Filed: TBD·)   Examiner: TBD
)
For: SYSTEM AND METHOD FOR UPPER LAYER ROAMING
       AUTHENTICATION

Assistant Commissioner for Patents
Washington, D.C. 20231

Sir:

DECLARATION OF OLEG F. KAPLUN, ESQ. IN SUPPORT OF PETITION
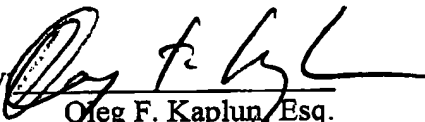
I, Oleg F. Kaplun, Esq., do hereby declare:

1.   I am an attorney in good standing licensed to practice in the State of New

York and registered to practice before the U.S. Patent and Trademark Office ("PTO"). I

am a member of Fay Kaplun & Marcin, LLP. In that capacity, I represent Symbol

Technologies, Inc. ("Symbol"), the assignee of the above referenced application (the

"'043 application"), in patent matters before the PTO. I make this declaration upon my

own personal knowledge.

2.   It is my standard practice for patent applications from Symbol to: (1) mail

completed patent applications from my office in New York, New York; and (2) obtain

the earliest filing date possible for a patent application by following the requirements of

37 C.F.R. § 1.10.

3.   I both drafted and filed the '043 application. After a diligent search in my office, I have been unable to locate a copy of the Express Mail label that I would expect to have been used in the '043 application to comply with the requirements of 37 C.F.R. § 1.10.

I declare under penalty of perjury that the foregoing is true and correct.

Respectfully submitted,

By
Oleg F. Kaplun, Esq.
Reg. No. 45,559

Dated: April 12, 2002

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Date of Deposit April 12, 2002

I hereby certify under 37 CFR 1.10 that this correspondence is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" with sufficient postage on the date indicated above, as is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

Judith L. Ahrens
JUDITH L. AHRENS